

DEPOSITION OF
WILLIAM JEROME RUTH

Page 1

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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF WYOMING

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5 WILLIAM JEROME RUTH, individually,
6 and as Wrongful Death Representative
7 of the ESTATE OF CYNTHIA SHOOK RUTH,

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9 Plaintiff,

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11 v.

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13 BEARTOOTH ELECTRIC COOPERATIVE, INC.,
14 a Montana Corporation, and ASPLUNDH
15 TREE EXPERT, LLC, a Limited Liability
16 Company formed in Pennsylvania,

17

18 Defendants.

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21 DEPOSITION OF WILLIAM JEROME RUTH
22 May 18, 2023
23 8:30 a.m.

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PURSUANT TO THE UNITED STATES RULES OF FEDERAL
PROCEDURE, this Deposition was:

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TAKEN BY: Henry F. Bailey, Jr., Esq.
Attorney for Defendant Beartooth
Electric

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REPORTED BY: Barbara Jean Morgenweck, RPR, CCR
NCRA, RPR
New Mexico CCR #526

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<p style="text-align: right;">Page 29</p> <p>1 A. Yes.</p> <p>2 Q. Were the flames near their house, or you 3 could just see them in the distance above their 4 house, or do you know?</p> <p>5 A. I could see the flames. The height of 6 the flames were over top of the roof. I 7 couldn't tell you the distance between the flame 8 and their house.</p> <p>9 Q. Okay. All right. When you got to the 10 VRBO -- well, before -- let's back up for a 11 second.</p> <p>12 Anybody else with you from the Clark 13 Fire Department when you were at the Bay's?</p> <p>14 A. No.</p> <p>15 Q. Okay. Then you go to the VRBO. 16 What did you observe about the fire when 17 you were at the VRBO?</p> <p>18 A. At my -- at that time, I felt the VRBO 19 was not in imminent danger --</p> <p>20 Q. Okay.</p> <p>21 A. -- from the fire.</p> <p>22 Q. Okay.</p> <p>23 A. But at the same time, it wasn't my -- I 24 felt that they should leave because I didn't 25 know how the fire was going to react. I felt</p>	<p style="text-align: right;">Page 31</p> <p>1 A. I did it on my own.</p> <p>2 Q. Okay. Where did you go after you left 3 Teri's house?</p> <p>4 A. Went back to the mailboxes.</p> <p>5 Q. Okay. Continued the coordination of 6 communications?</p> <p>7 A. Radio traffic.</p> <p>8 Q. Okay. When you went back to the 9 mailboxes after you left Teri Cothorn's house, 10 were there other people from the Clark Fire 11 Department there with you that you recall?</p> <p>12 A. At some point I had a conversation with 13 Nate Hoffert.</p> <p>14 Q. Tell me about that.</p> <p>15 A. Nate was in another fire truck and he 16 had another fireman with him. I don't know who 17 that was. But we had a open-window 18 conversation, truck to truck. At some point 19 between the time that I left Teri's house and 20 when I met up with Nate, the rear window of my 21 truck was blown out, the back window that faces 22 the bed of the truck.</p> <p>23 Q. Do you know why that happened?</p> <p>24 A. Not exactly. I assumed that a rock hit 25 it, an airborne rock.</p>
<p style="text-align: right;">Page 30</p> <p>1 that they were close enough that they should 2 leave.</p> <p>3 Q. Were you concerned that the wind 4 conditions were such that the fire could move 5 fairly rapidly?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And, in fact, it did move fairly 8 rapidly that night, didn't it?</p> <p>9 A. It did.</p> <p>10 Q. Same question for when you were at Teri 11 Cothorn's.</p> <p>12 MR. BAILEY: Is it Cothorn or Cawthorn 13 (phonetic)?</p> <p>14 THE WITNESS: Cawthorn (phonetic).</p> <p>15 Q. Cothorn? When you were at Teri 16 Cothorn's house, what were your observations of 17 the fire at that point?</p> <p>18 A. I could see the fire clearly from her 19 house.</p> <p>20 Q. And did you know that it was moving in 21 the direction of her house?</p> <p>22 A. I felt that it was.</p> <p>23 Q. Okay. Had you been told by Nate Hoffert 24 or anyone else to go start evacuating people or 25 did you just do that on your own?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. An airborne rock. Did you ever see the 2 rock?</p> <p>3 A. No.</p> <p>4 Q. Okay. But the entire back window was 5 shattered?</p> <p>6 A. Yes.</p> <p>7 Q. And gone?</p> <p>8 A. It was in little pieces.</p> <p>9 Q. Okay. Okay. That happened after you 10 were at Teri Cothorn's house?</p> <p>11 A. Yes.</p> <p>12 Q. And before you spoke with Mr. Hoffert 13 that night?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Do you attribute that to the 16 wind, the blowing a rock into the glass?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Where were you when you met up 19 with Nate Hoffert?</p> <p>20 A. Right at the mailboxes.</p> <p>21 Q. Okay. All right. And he had someone 22 else with him?</p> <p>23 A. Yes.</p> <p>24 Q. Do you remember who that was?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 33</p> <p>1 Q. Did you know them at the time and -- or 2 did you not even know who they were at the time? 3 A. I did recognize them, I just don't 4 remember who it was.</p> <p>5 Q. Okay. Tell me about the conversation 6 you had with Nate Hoffert.</p> <p>7 A. So I told them the back window was blown 8 out. And so he told me that he would go down 9 and assist and get Cindy out of the fire.</p> <p>10 Q. Okay.</p> <p>11 A. And told me to stay where I was.</p> <p>12 Q. Okay. But he told you that he was going 13 to go get Cindy out?</p> <p>14 A. Yes.</p> <p>15 Q. What did you say?</p> <p>16 A. I said that's good. I agreed with that.</p> <p>17 Q. Okay. Okay. At the time that you had 18 this conversation with Nate Hoffert, where he 19 said he was going to go get Cindy out, where was 20 the fire at that point?</p> <p>21 A. It was at Hoot Owl Trail.</p> <p>22 Q. And was moving east?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Prior to this conversation with 25 Nate Hoffert at the mailboxes, had he given you</p>	<p>1 long and loving marriage.</p> <p>2 MR. BAILEY: Do you need to take a 3 break, Mr. Ruth, because we can take one if you 4 need to?</p> <p>5 THE WITNESS: No.</p> <p>6 Q. Okay. Since Cindy's death, have you 7 been under the care of any medical 8 professionals, health care professionals?</p> <p>9 A. Yeah.</p> <p>10 Q. Can you tell me a little bit about that?</p> <p>11 A. The night of the fire I met with a 12 crisis management team that came to the fire 13 hall, and we talked then --</p> <p>14 THE WITNESS: Can we close that door, 15 please? Thank you.</p> <p>16 A. And that was a lady. And she was 17 brought in to meet me by Larry Dodge, who's also 18 a member of the fire department.</p> <p>19 And we spoke for a while, and she 20 exchanged her phone number and her name and told 21 me to give her a call if I needed to talk to her 22 further, and I did later the next day or two.</p> <p>23 Then shortly after the fire, I don't 24 remember which day, I went and saw my personal 25 physician.</p>
<p style="text-align: right;">Page 34</p> <p>1 any recommendation or asked you if you had told 2 Cindy to get out of the house? Is there any 3 communication like that before that 4 conversation, that you recall?</p> <p>5 A. I don't recall.</p> <p>6 Q. Okay. Had anybody else suggested to you 7 to tell Cindy to evacuate before you had that 8 conversation with Nate Hoffert?</p> <p>9 A. No.</p> <p>10 Q. Okay. Do you remember anything else 11 about the conversation with Nate Hoffert at the 12 mailboxes?</p> <p>13 A. It was short and brief.</p> <p>14 Q. Okay. And then he left?</p> <p>15 A. Yes.</p> <p>16 Q. And you remained at the mailboxes?</p> <p>17 A. Yes.</p> <p>18 Q. You continued to coordinate?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. I want to just pause for a 21 minute. I should have asked you this at the 22 beginning.</p> <p>23 You have been through the worst kind of 24 trauma that any person can go through. You have 25 lost your companion, your sweetheart after a</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Okay.</p> <p>2 A. And I told her, you know, what I had 3 been through, and she checked me for smoke 4 inhalation and other things, and she prescribed 5 some -- a medicine, Valium, to help me sleep.</p> <p>6 Q. Okay. Have you taken any other 7 medications to help you with the trauma that 8 you've been through, besides Valium?</p> <p>9 A. I was on antidepressants for a while.</p> <p>10 Q. Okay. Do you remember what they were?</p> <p>11 It's not a huge thing if you don't. I am just 12 curious.</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. And those were prescribed by your 15 doctor?</p> <p>16 A. Yes.</p> <p>17 Q. Same doctor?</p> <p>18 A. Yes.</p> <p>19 Q. What's her name?</p> <p>20 A. Adelle [sic] Bowlby.</p> <p>21 Q. B-O-L-B-Y [sic]?</p> <p>22 A. Yes.</p> <p>23 Q. And where is she located?</p> <p>24 A. Billings Clinic in Cody.</p> <p>25 Q. Okay. In addition to Dr. Bowlby and</p>

Page 41	Page 43
1 A. Okay.	1 A. No.
2 Q. Okay. Your phone number at the time was	2 Q. Okay. Are you a texter?
3 (307) 254-2922; is that correct?	3 A. When it's appropriate.
4 A. Yes.	4 Q. Okay. I'm not a big texter, but, you
5 Q. And your wife's phone number was (307)	5 know, I think that's a younger generation kind
6 254-2931; is that correct?	6 of thing. Is that the same with you?
7 A. Yes.	7 A. Is that a yes or no?
8 Q. And I'm definitely not an expert in	8 Q. Yeah. However you want to explain it?
9 interpreting these things, but I'm going to ask	9 A. I text when it's just going to be a
10 you a couple of questions about a couple of	10 quick one-answer thing. I prefer a voice
11 entries on this statement to see what you	11 contact over texting. It's more efficient and
12 remember.	12 you get more information that way.
13 We look at the fourth line down,	13 Is that sufficient?
14 November 15 at 11:54 p.m., it appears that you	14 Q. Thank you.
15 placed a call to your wife.	15 A. Okay.
16 Do you see that?	16 Q. Was there any other means of
17 A. Yes.	17 communication that you had with Cindy that
18 Q. Do you remember that call?	18 evening other than by cell phone?
19 A. I don't remember making a call at that	19 A. You're talking about after I left the
20 particular time, okay?	20 house?
21 Q. Okay.	21 Q. After you left the house, yeah?
22 A. I do remember making calls on that day	22 A. No.
23 in that timeframe, okay?	23 Q. Okay. And what I meant by that, I mean,
24 Q. Okay. Let's turn to page 000083.	25 was there any -- did she have a shortwave radio
25 MR. BAILEY: Keep your finger there in	25 or a handheld radio or anything like that?
Page 42	Page 44
1 that one, but just go ahead and turn to --	1 A. No.
2 you're going to, yeah, 83 just a few more pages.	2 Q. Okay. So there's a call that she placed
3 Q. And you're going to -- you're going to	3 to you, and then according to your record, you
4 see this is Cindy's phone, 254-2931.	4 placed a call to her at 11:54.
5 At the bottom of this page, third from	5 You're not sure if that's the precise
6 the bottom, you're going to see a phone call	6 time, but you do recall making a phone call to
7 that appears she made to you at 11:53 p.m. that	7 her on your cell phone that evening?
8 evening. And it says two minutes, but I don't	8 A. Yes.
9 know what that means. I think it means that it	9 Q. When was that call made in relationship
10 was a phone call that lasted between one and	10 to the conversation you had with Nate Hoffert at
11 two minutes.	11 the mailboxes?
12 But do you remember receiving a phone	12 A. Before.
13 call from Cindy in that timeframe that evening?	13 Q. Okay. And what did -- tell me about
14 A. No.	14 that conversation.
15 Q. Okay. At some point you listened to a	15 A. It was very short and to the point. I
16 voicemail from Cindy that she left you that	16 told her that I -- and I -- excuse my language
17 evening, correct?	17 at this point -- I told her to get the fuck out.
18 A. Yes.	18 Q. Okay.
19 Q. It's my understanding that there was	19 A. And I don't use that word ever. And,
20 only one voicemail you received from Cindy that	20 you know, I wanted to drive a point home to her
21 evening; is that correct?	21 that she needed to leave immediately.
22 A. To the best of my knowledge.	22 Q. Okay. Was there some hesitation on her
23 Q. Okay. Were you -- did you have any text	23 part to leaving?
24 exchanges with Cindy that evening that you	24 A. No.
25 remember?	25 Q. Okay.

Page 45	Page 47
<p>1 A. Not that I picked up on.</p> <p>2 Q. Okay. And you hadn't had any other</p> <p>3 conversation with her before that?</p> <p>4 A. No.</p> <p>5 Q. Okay. Other than the one at home?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Did you give her any instructions</p> <p>8 about where to go when she left the home?</p> <p>9 A. No.</p> <p>10 Q. To come to the staging area or anything</p> <p>11 like that, just get out?</p> <p>12 A. Just get out.</p> <p>13 Q. Okay. When you had that conversation</p> <p>14 with her, where was the fire as far as you can</p> <p>15 recall?</p> <p>16 A. It was on Hoot Owl Trail.</p> <p>17 Q. Okay. And Hoot Owl Trail moving east?</p> <p>18 A. Yes.</p> <p>19 Q. Along Line Creek?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Then if we -- if we look back --</p> <p>22 stay on page 78, Mr. Ruth. We have a number</p> <p>23 of -- there are a number of calls that you</p> <p>24 placed to Cindy beginning at 11:54.</p> <p>25 MR. BAILEY: If you go down two more</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. All right.</p> <p>3 MR. SANDEFER: If we're at a breaking</p> <p>4 point, we've been going about an hour, I might</p> <p>5 take a little break.</p> <p>6 MR. BAILEY: Absolutely. Absolutely.</p> <p>7 Yeah.</p> <p>8 (A recess was taken from 9:34 a.m. until</p> <p>9 9:49 a.m.)</p> <p>10 (Exhibit 112 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. BAILEY:</p> <p>13 Q. Mr. Ruth, I'm handing you what's been</p> <p>14 marked Exhibit 112. And I gave you a copy. And</p> <p>15 this is not a document that you had anything to</p> <p>16 do with preparing, I realize that.</p> <p>17 This is the Park County Sheriff's Office</p> <p>18 narrative of the Clark fire. And I just want to</p> <p>19 clarify a couple of things.</p> <p>20 MR. BAILEY: If you'll turn to the</p> <p>21 second page of that document, Mr. Ruth, and we</p> <p>22 go down to the line that begins: "On Tuesday</p> <p>23 November 16, 2021, at approximately</p> <p>24 0-1600 hours, he received a voicemail."</p> <p>25 First of all, let me ask you this: Do</p>
<p style="text-align: center;">Page 46</p> <p>1 lines, you'll see a 12:00 a.m. There's another</p> <p>2 call to Cindy's phone.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then you see one at 12:02?</p> <p>6 A. Yes.</p> <p>7 Q. And then you go down a little ways, you</p> <p>8 see one at 1:25?</p> <p>9 A. Yes.</p> <p>10 Q. 1:33, right?</p> <p>11 A. Yes.</p> <p>12 Q. And then 1:43?</p> <p>13 A. Yes.</p> <p>14 Q. But you only spoke with her one time</p> <p>15 that evening?</p> <p>16 A. Yes.</p> <p>17 Q. These other -- do you recall making</p> <p>18 repeated phone calls to her phone?</p> <p>19 A. Yeah, I blew it up.</p> <p>20 Q. Okay. Trying to reach her?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Is it your memory that the only</p> <p>23 time you spoke with Cindy that evening after you</p> <p>24 left the home was the first time you tried to</p> <p>25 call her?</p>	<p style="text-align: center;">Page 48</p> <p>1 you remember speaking with a deputy from the</p> <p>2 Park County Sheriff's Office the day after the</p> <p>3 fire?</p> <p>4 A. On the 16th?</p> <p>5 Q. Well, at any time after the fire, do you</p> <p>6 remember speaking with a deputy from the Park</p> <p>7 County sheriff's department?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And was his name Phil Johnson?</p> <p>10 Does that sound familiar, or do you know?</p> <p>11 A. I don't know.</p> <p>12 Q. Okay. Do you recall where the</p> <p>13 conversation took place?</p> <p>14 A. I remember a conversation that took</p> <p>15 place at the mailboxes.</p> <p>16 Q. On the day after the fire?</p> <p>17 A. On the 16th.</p> <p>18 Q. Okay. With a sheriff's deputy?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Do you recall telling him on that</p> <p>21 date that it was approximately 0-1600 hours that</p> <p>22 you received a voice mail from your wife?</p> <p>23 A. I don't remember that specific</p> <p>24 conversation.</p> <p>25 Q. Okay. Do you remember anything about</p>

<p style="text-align: right;">Page 49</p> <p>1 the conversation?</p> <p>2 A. Not that specific conversation that</p> <p>3 you're talking about.</p> <p>4 Q. Okay. Let me ask you this: In his</p> <p>5 narrative -- and this is the long paragraph on.</p> <p>6 that second page -- he's recounting, I think,</p> <p>7 what you told him, and he says on that same</p> <p>8 date, around 0200 hours, he was able to make it</p> <p>9 back in the area of his residence with the help</p> <p>10 of other fire personnel. He observed his wife's</p> <p>11 vehicle in his driveway.</p> <p>12 Let's just stop there. On the 16th</p> <p>13 early in the morning, were you able to make it</p> <p>14 back up your driveway to find your wife's</p> <p>15 vehicle?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Who was with you at that time?</p> <p>18 A. A single firefighter.</p> <p>19 Q. Do you remember who it was?</p> <p>20 A. No.</p> <p>21 Q. Okay. What kind of vehicle were you in?</p> <p>22 A. We were in a fire vehicle pickup truck.</p> <p>23 Q. Pickup truck. And I assume, although I</p> <p>24 may be wrong about this, that this was after you</p> <p>25 had the conversation with Nate Hoffert at the</p>	<p style="text-align: right;">Page 51</p> <p>1 Crossfire Trail, he did not go to where our</p> <p>2 driveway was.</p> <p>3 At that time, I went and made contact</p> <p>4 with another fireman that I did not know, he was</p> <p>5 from another fire department. And I said to</p> <p>6 him, I said, I need to get down to get my wife</p> <p>7 out. And he agreed to go with me.</p> <p>8 He drove his truck, I was a passenger.</p> <p>9 We went to Louis L'Amour Lane, which is on the</p> <p>10 north side of Line Creek, meaning we had to</p> <p>11 cross over the bridge on Line Creek, and we</p> <p>12 turned and went east down the driveway to where</p> <p>13 we found my wife's car parked, stopped in the</p> <p>14 middle of the driveway.</p> <p>15 Q. Okay.</p> <p>16 A. Can I continue?</p> <p>17 Q. You can, absolutely, go ahead.</p> <p>18 A. Okay. The car was occupied by three</p> <p>19 dogs. The rear hatch of the Subaru was open.</p> <p>20 There was a pillow that was on fire inside of</p> <p>21 the hatch. My wife was not around. But I</p> <p>22 tossed pillow aside, and we took the dogs. The</p> <p>23 firemen and I both took all three dogs out of</p> <p>24 the car, we placed them in the fire truck.</p> <p>25 At that point we went down the driveway.</p>
<p style="text-align: right;">Page 50</p> <p>1 mailboxes, where he said he was going to go get</p> <p>2 Cindy?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Any idea how long after?</p> <p>5 A. Can I make some clarifications here?</p> <p>6 Q. Yes. Well --</p> <p>7 MR. SANDEFER: If you need to say</p> <p>8 something to answer his question in context, go</p> <p>9 ahead, is my thought.</p> <p>10 MR. BAILEY: Okay. Go ahead.</p> <p>11 THE WITNESS: So restate your question,</p> <p>12 please.</p> <p>13 BY MR. BAILEY:</p> <p>14 Q. This time that you go to your -- with</p> <p>15 this fire department employee, you go to your</p> <p>16 wife's vehicle, you find your wife's vehicle.</p> <p>17 A. So let's back up just a second.</p> <p>18 Q. Sure.</p> <p>19 A. I made two trips down there.</p> <p>20 Q. Okay.</p> <p>21 A. Okay? And this is where I want to</p> <p>22 clarify some things.</p> <p>23 Q. Okay.</p> <p>24 A. Okay? I made two trips. One initially</p> <p>25 to -- right after I saw Nate Hoffert drive down</p>	<p style="text-align: right;">Page 52</p> <p>1 I was calling for my wife. I was calling her</p> <p>2 name.</p> <p>3 Q. Can I interrupt you for a second?</p> <p>4 When you say "we went down the</p> <p>5 driveway," did you go towards your house? Is</p> <p>6 that --</p> <p>7 A. East on the driveway toward the house.</p> <p>8 Q. Okay. Okay. Okay.</p> <p>9 And you're with the fireman at this</p> <p>10 time?</p> <p>11 A. Yes.</p> <p>12 Q. And with the dogs?</p> <p>13 A. The dogs are in his truck, secured in</p> <p>14 his truck.</p> <p>15 Q. Okay.</p> <p>16 A. We didn't -- we went on foot --</p> <p>17 Q. Oh, okay.</p> <p>18 A. -- at this point because we couldn't get</p> <p>19 past the car.</p> <p>20 Q. Okay, I follow you. Okay.</p> <p>21 A. The terrain was on fire to the south of</p> <p>22 the driveway --</p> <p>23 Q. Okay.</p> <p>24 A. -- over to the creek.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 53</p> <p>1 A. And there was a bit of fire on the north 2 side of the driveway as well. So with the dog 3 secured in his truck, we went on foot to the 4 house.</p> <p>5 Q. Okay. Did you walk all the way to the 6 house?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Did you go in the house?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Again, you're searching for your 11 wife?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. How -- any idea how long it took 14 for you to walk from the car to your house?</p> <p>15 A. I'm going to say it's roughly half a 16 mile.</p> <p>17 Q. Okay.</p> <p>18 A. So not very long.</p> <p>19 Q. Okay. And then when you got to the 20 house, what did you do?</p> <p>21 A. Well, the house was on fire.</p> <p>22 Q. Where was the house on fire?</p> <p>23 A. The house was on fire on the northwest 24 corner.</p> <p>25 Q. By the garage?</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Did you have any conversations with him 2 about that? I mean, did you radio him and say, 3 hey, you're going the wrong way or what are you 4 doing or anything like that?</p> <p>5 A. He made an inquiry across the radio, 6 asking if Cindy had made it out yet. And I told 7 him no. And this is after I saw him driving 8 down Crossfire Trail. There's -- there was a 9 couple houses right on the corner of Crossfire 10 and Louis L'Amour Lane.</p> <p>11 And so when he called up and said that 12 he hadn't -- I told him that she hadn't made it 13 out yet, then, yeah, I don't -- there was no 14 other communication between him and me.</p> <p>15 Q. How did you know she hadn't made it out 16 yet?</p> <p>17 A. Because I was right at the mailboxes 18 where she would have come out.</p> <p>19 Q. Okay. What you meant was she hadn't 20 made it out all the way to that point where you 21 were?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Okay.</p> <p>24 A. I hadn't seen her move or the car move 25 or anything.</p>
<p style="text-align: right;">Page 54</p> <p>1 A. No, this would have been by the -- what 2 we commonly call the front door.</p> <p>3 Q. Oh, okay, okay. What did you do?</p> <p>4 A. I grabbed the bucket and threw water on 5 it. There was -- we have a hot tub, and I 6 flipped the cover over and grabbed the bucket 7 with water and threw water on it --</p> <p>8 Q. Okay.</p> <p>9 A. -- and put it out.</p> <p>10 Q. Okay. Then what did you do?</p> <p>11 A. Entered the house and the house was full 12 of smoke. We did not locate my wife there. 13 He -- I believe the other fireman checked my 14 shop, which was still a wreck, but on fire at 15 that point. And we reconnected and walked back 16 to the car and to his truck, and he said, we 17 need to get out of here.</p> <p>18 Q. Okay. So you drove back the way you 19 came in?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And the reason you went with the 22 fireman is after Nate Hoffert told you he was 23 going to get Cindy, he didn't go in the 24 direction to get Cindy?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Could you see your house from the 2 mailboxes?</p> <p>3 A. Yes.</p> <p>4 Q. So just so I have the sequence correct, 5 and correct me if I'm wrong, you had a 6 conversation with Cindy at approximately 7 11:54 that evening if your phone records are 8 accurate, which we have no reason to doubt, 9 where you told her get the F out now, something 10 to that effect?</p> <p>11 A. Yes.</p> <p>12 Q. After that, Nate Hoffert drives up and 13 tells you he's going to go get her out?</p> <p>14 A. Yes.</p> <p>15 Q. You see him go a different direction, 16 and he calls you and asks you if Cindy got out 17 yet?</p> <p>18 A. Yes.</p> <p>19 Q. Did you say anything to him such as, I 20 thought you were going to go get her?</p> <p>21 A. No.</p> <p>22 Q. Okay. What kind of a vehicle was he in?</p> <p>23 A. A fire vehicle.</p> <p>24 Q. I mean, is it a pickup truck?</p> <p>25 A. It's an all-wheel drive vehicle. I -- I</p>

<p style="text-align: right;">Page 149</p> <p>1 is it orderly or is it chaotic or what is it? 2 Can you describe it for us? 3 A. I would start off saying it was a 4 nightmare. And that it was very chaotic. We 5 had at least three fire companies up there and 6 very poor communication between the personnel 7 that were actually out trying to work the fire. 8 And, you know, it appeared to me that 9 there was people standing around that could have 10 been doing things. There was a lack of 11 direction because there was too many 12 misconnections between people that were in 13 charge. 14 Q. Okay. 15 A. That's how I would describe it. 16 Q. I'm going to turn just briefly to Nate 17 Hoffert. 18 A. Yes. 19 Q. Do you remember the line of questioning 20 about the conversation with Nate, whether he was 21 going to go down and get Cindy or get Cindy out? 22 A. Yes. 23 Q. First of all, are you upset with Nate at 24 all? 25 A. I'd say I'd have to answer that yes and</p>	<p style="text-align: right;">Page 151</p> <p>1 Q. There's been some discussion about the 2 wind that night? 3 A. Yeah. 4 Q. The wind might have played a part in the 5 broken window on truck 83 that you were driving? 6 A. I know it did. 7 Q. Okay. Have there been other times where 8 you've had windows broken because of the wind 9 out there? 10 A. Yes. 11 Q. On other occasions? 12 A. Yes. 13 Q. Is it a windy place regularly? 14 A. Yes. Or it can be. 15 Q. Just briefly, you were asked about 16 counselors you've been to. I just wanted to 17 make sure, did you go to a grief support group 18 as well? 19 A. Yes. 20 Q. Can you tell us about the grief support 21 group and what that was about? 22 A. So the grief support group I'm still 23 active with meets up in Red Lodge once a month. 24 When I started going there, it was once a week, 25 and it was just an open forum. They had a grief</p>
<p style="text-align: right;">Page 150</p> <p>1 no. 2 Q. Why? 3 A. Well, he told me he was going to do 4 something and he did something different. 5 Q. What did he do different? 6 A. Well, he told me that he was going to go 7 get Cindy out. 8 Q. Okay. 9 A. And he didn't do that. 10 Q. You said he -- that's what he told you 11 he was going to do. 12 What did he do instead of getting Cindy 13 out, do you know? 14 A. He went to other neighbors and started 15 getting them out. 16 Q. Do you know why he would go to another 17 neighbor's house rather than go to get Cindy? 18 A. Well I believe that he thought that they 19 were in peril, and he didn't know where Cindy 20 was. And, you know, having been in that 21 situation before, you have very limited time to 22 make a decision. And he made a decision to 23 evacuate some other people, other neighbors 24 instead of getting Cindy, and that's something 25 that he's got to answer and not me.</p>	<p style="text-align: right;">Page 152</p> <p>1 counselor there that kind of guided people into 2 a direction, but, basically, it was open to 3 anybody that was dealing with grief, and it 4 was -- you were allowed to come in and just talk 5 about whatever it was you were dealing with. 6 Q. How often does that group meet? 7 A. Right now once a month. 8 Q. Has it varied over time how often it 9 met? 10 A. Yeah. Initially, it started at once a 11 week on Mondays, and then because of seasonal 12 changes and people's needs, it went to once a 13 month. 14 Q. Okay. And do you find it helpful? 15 A. Yes, very much so. 16 Q. Why didn't you just drive truck 83 down 17 to your house? 18 A. Well, it was -- it would have been 19 unsafe for me to do that. 20 Q. Why? 21 A. Because the rear window was broken out. 22 Q. Why can't you drive it with the rear 23 window broken out? 24 A. Well, the smoke and the flames would 25 have been sucked right into the cab. And I</p>